

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

YAZMIN GONZALEZ, §
§
Plaintiff, §
§
v. § CAUSE NO. EP-23-CV-187-KC
§
CONSUMER LEGAL GROUP P.C., §
§
Defendant. §

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE**

On this day, the Court considered the above-captioned case. On November 14, 2023, the Court referred the Motion for Default Judgment (“Motion”), ECF No. 13, to United States Magistrate Judge Leon Schydlower pursuant to 28 U.S.C. § 636(b) for proposed findings of fact and recommendations. Nov. 14, 2023, Text Order. On January 4, 2024, the Magistrate Judge filed a Report and Recommendation (“R&R”), ECF No. 14, recommending that the Court deny the Motion and grant Plaintiff “thirty days to revise and refile her motion with the admonition that failure to do so may result in the dismissal of the lawsuit.” R&R 2.

Parties have fourteen days from service of a Report and Recommendation of a United States Magistrate Judge to file written objections. *See* 28 U.S.C. § 636(b)(1)(C).¹ Over fourteen days have elapsed since Plaintiff was served with the R&R, and Defendant has not appeared in this case. No objections have been filed.

When parties do not file written objections, courts apply a “clearly erroneous, abuse of discretion and contrary to law” standard of review to a report and recommendation. *United*

¹ Federal district courts conduct de novo review of those portions of a report and recommendation to which a party has objected. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge . . . shall make a de novo determination of those portions of the report . . . to which objection is made . . .”).

States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989). After reviewing the R&R, the Court agrees with the Magistrate Judge's proposed findings of fact and conclusions of law and finds that they are neither clearly erroneous nor contrary to law. *See id.*

Accordingly, the Court **ADOPTS** the R&R, ECF No. 14, in its entirety, and **ORDERS** that Plaintiff's Motion for Default Judgment, ECF No. 13, is **DENIED** without prejudice to refiling **on or before February 19, 2024**. Failure to timely refile may result in dismissal of the case.

SO ORDERED.

SIGNED this 19th day of January, 2024.



KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE